

REMARKS

Claims 1, 3-11, 13-28, and 30-38 are currently pending. Claim 29 has been canceled. Claim 27 has been amended. Support for the claim amendments can be found throughout the specification and claims as originally filed. No new matter has been added.

The claim amendments made herein should not be construed to be an acquiescence to any of the claim rejections. Rather, these actions are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

CLAIM OBJECTIONS

Claims 29 and 30 were objected to as being dependent on a rejected claim. The Applicants have imported into claim 27 the limitation of claim 29, and canceled claim 29. Accordingly, the Applicant respectfully requests withdrawal of the claim objections.

CLAIM REJECTIONS BASED ON 35 USC § 103(a)

Claims 27 and 28 stand rejected under 35 USC § 103(a) as being unpatentable in light of by Jiang *et al.* (*Chemical Communications* **1996**, 18, 2193-2194).

To establish a *prima facie* case of obviousness, a number of criteria must be met. For example, all of the limitations of a rejected claim must be taught or suggested in the prior art references relied upon by the Examiner; or they must be among the variations that would have been “obvious to try” to one of ordinary skill in the relevant art in light of the cited references. Moreover, one of ordinary skill in the relevant art must have a reasonable expectation of success in light of the cited combination of references. Importantly, the reasonable expectation of success must be found in the prior art, and may not be based on the Applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991); see MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

As noted above, claims 29 and 30 were objected to as being dependent on a rejected claim (i.e., claim 27). The Applicants have imported into claim 27 the limitation of claim 29, and canceled claim 29. Therefore, the Applicants respectfully contend that amended claim 27 is

now allowable. Moreover, because claim 28 depends upon claim 27, the Applicants respectfully contend that claim 28 is likewise allowable.

Accordingly, the Applicants respectfully requests withdrawal of the claim rejections under 35 USC § 103(1) based on Jiang.

ALLOWABLE SUBJECT MATTER

The Applicants gratefully acknowledge the Examiner's indication that claims 1, 3-11, 13-26 and 31-38 are allowable. Based on the claim amendment presented herein, the Applicants respectfully contend all of the pending claims are in condition for allowance.

FEES

The Applicants believe that no fees are required in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any additional required fee to our Deposit Account, **06-1448**, Reference **MTV-055.01**.

CONCLUSION

In view of the above remarks, it is believed that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration and withdrawal of the pending rejections. The Applicants thank the Examiner for careful consideration of the present case. If a telephone conversation with the Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Patent Group
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210
617-832-1000
617-832-7000 (FAX)

Respectfully submitted,

FOLEY HOAG LLP

/Dana M. Gordon/

Dana M. Gordon, Ph.D.
Attorney for Applicants
Registration No. 44,719

Date: November 6, 2009